



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,274	07/11/2001	James X. Kong	80168-0237	8343

32658 7590 01/08/2004
HOGAN & HARTSON LLP
ONE TABOR CENTER, SUITE 1500
1200 SEVENTEEN ST.
DENVER, CO 80202

EXAMINER

CORRIELUS, JEAN M

ART UNIT	PAPER NUMBER
----------	--------------

2172

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

4

Office Action Summary

Application No.

09/902,274

Applicant(s)

KONG, JAMES X.

Examiner

Jean M Corrielus

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Art Unit: 2172:

DETAILED ACTION

1. This office action is in response to the amendment filed on October 21, 2003 in which claims 1-24 are presented for further examination.

Response to Arguments

2. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Information Disclosure Statement

3. The information disclosure statement filed on July 11, 2001 (paper no. 2) complies with the provisions of M.E.P.. § 609. It has been placed in the application file. The information referred to therein has been considered as to the merits.

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2172:

5. Claims 1-4, 9-17 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung et al (hereinafter "Leung") US Patent no. 6,339,768 in view of Berenson et al., US Patent no. 6,356,887 (hereinafter "Berenson").

As to claim 1, Leung discloses the claimed "using a code to create a condition filter in a standard query language statement, the condition filter defining properties to be satisfied by a result of the query, and the condition filter using an object to execute a recompiled query language statement" as a program code contains the host language in which input to a pre-compile, wherein the generated compiled set of runtime structures called an application plan from the compiled SQL statement and wherein the program code received as input specify only the desired data, but not how to retrieve the data (col.5, lines 6-35). Leung does not explicitly disclose the use wherein the recompiled query language statement is executed multiple times without being recompiled. However, Leung discloses the use of precompiling a program source code, wherein the source code is inputted to a precompile and outputted a modified source module and a database request module, so the modified source code contains host language calls to DB2 which the precompile source code is inserted in place of SQL statements. Leung also discloses a compile and link-edit that uses the modified source module to produce a load module, while an optimize and bind operation uses the database request module to produce a compiled set of runtime structure for the application plan (col.5, lines 10-25). On the other hand, Berenson discloses an analogous system that transforms a database query into a parameterized basic query form by replacing any constant values in the query with parameters. In particular, Berenson discloses the claimed "wherein the recompiled query language statement is executed

Art Unit: 2172:

multiple times without being recompiled” as a means for executing a query language statement multiple times without having to be recompiled (col.1, lines 22-38). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because the auto-parameterization process disclosed by Berenson would allow Leung’s system the enhanced capability of allowing multiple query language statement to be executed thereby avoiding multiple recompilation of a query statement while not incurring the overhead of stored procedures. Leung also does not explicitly disclose the use of “sending the standard query language statement to a database”. However, Leung states that the SQL interface allows users to manipulate the data, wherein each operator operates on either one or two tables and produces a new table and wherein the SQL statement contains a search condition, wherein the search condition is processed according to the specification in the SELECT clause.

Berenson, on the other hand, discloses the claimed “sending the standard query language statement to a database” by combining the SELECT-FROM-WHERE of standard query language as a basic structure for query statements with the set valued function of the host language and using the SQL query to retrieve information from the database (col.5, lines 20-38). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because the auto-parameterization process disclosed by Berenson would allow Leung’s system the enhanced capability of allowing multiple query language statement to be executed thereby avoiding multiple recompilation of a query statement while not incurring the overhead of stored procedures.

Art Unit: 2172:

As to claims 2, 10 and 13, Leung discloses the claimed “wherein data values in the condition filter are replaced with question mark” and a corresponding data value list is created” (col.6, lines 45-67).

As to claim 3, 11, Leung discloses the claimed “wherein the code includes a tree data structure” wherein the query statement (code) is a graph model (col.9, lines 4-15).

As to claim 4, Leung and Berenson disclose substantially the invention as claimed. However, Leung does not explicitly disclose the claimed “wherein the code includes LIKE, AND, and OR operators”. On other hand, Berenson discloses the claimed “wherein the code includes LIKE, AND, and OR operators” (col.9, line 58-col.12, line 65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because the auto-parameterization process disclosed by Berenson would allow Leung’s system the enhanced capability of allowing multiple query language statement to be executed thereby avoiding multiple recompilation of a query statement while not incurring the overhead of stored procedures.

As to claim 9, Leung discloses the claimed “using an application programing interface to create a standard query language statement, the condition filter defining properties to be satisfied by a result of the query (SQL) WHERE clause statement in a SQL statement and to pass the SQL WHERE clause statement to a persistent object framework (POF)” as a program code contains the host language in which input to a pre-compile, wherein the generated compiled set of runtime structures

Art Unit: 2172:

called an application plan from the compiled SQL statement and wherein the program code received as input specify only the desired data, but not how to retrieve the data (col.5, lines 6-35). Leung does not explicitly disclose the use of “sending the SQL statement to a database, wherein the SQL WHERE clause statement includes a condition filter uses a Prepared statement object, and wherein the SQL statement is executed multiple times without being recompiled”. However, Leung states that the SQL interface allows users to manipulate the data, wherein each operator operates on either one or two tables and produces a new table and wherein the SQL statement contains a search condition, wherein the search condition is processed according to the specification in the SELECT clause. On the other hand, Berenson discloses an analogous system that transforms a database query into a parameterized basic query form by replacing any constant values in the query with parameters. In particular, Berenson discloses the claimed “sending the standard query language statement to a database” by combining the SELECT-FROM-WHERE of standard query language as a basic structure for query statements with the set valued function of the host language and using the SQL query to retrieve information from the database (col.5, lines 20-38) and “wherein the SQL WHERE clause statement includes a condition filter uses a Prepared statement object, and wherein the SQL statement is executed multiple times without being recompiled” as a means for executing a query language statement multiple times without having to be recompiled (col.1, lines 22-38). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because the auto-parameterization process disclosed by Berenson would allow Leung’s system the enhanced capability of allowing multiple query language

Art Unit: 2172:

statement to be executed thereby avoiding multiple recompilation of a query statement while not incurring the overhead of stored procedures.

As to claim 12, discloses the claimed “creating a condition filter for a standard query language (SQL) WHERE clause statement” as a program code contains the host language in which input to a pre-compile, wherein the generated compiled set of runtime structures called an application plan from the compiled SQL statement and wherein the program code received as input specify only the desired data, but not how to retrieve the data (col.5, lines 6-35). Leung does not explicitly disclose the use of “passing the condition filter to a persistent object framework, wherein the SQL WHERE clause statement uses a Prepared statement object to request a query”. However, Leung states that the SQL interface allows users to manipulate the data, wherein each operator operates on either one or two tables and produces a new table and wherein the SQL statement contains a search condition, wherein the search condition is processed according to the specification in the SELECT clause.

On the other hand, Berenson discloses an analogous system that transforms a database query into a parameterized basic query form by replacing any constant values in the query with parameters. In particular, Berenson discloses the claimed passing the condition filter to a persistent object framework, wherein the SQL WHERE clause statement uses a Prepared statement object to request a query” (col.5, lines 20-38) and “wherein the SQL WHERE clause statement uses a Prepared statement object, and wherein the query is executed multiple times without being recompiled” as a means for executing a query language statement multiple times without having to be recompiled

Art Unit: 2172:

(col.1, lines 22-38). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because the auto-parameterization process disclosed by Berenson would allow Leung's system the enhanced capability of allowing multiple query language statement to be executed thereby avoiding multiple recompilation of a query statement while not incurring the overhead of stored procedures.

As to claims 14-17 and 22-24, the limitations of claims 14-17 and 22-24 have been noted in the rejection claims 1-4. In addition, Leung discloses the claimed 'making a connection with a database' as a database request module (DBRM) comprises of SQL statement from program codes (col.5, lines 17-24).

6. Claims 5-8 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung et al (hereinafter "Leung") in view of Berenson et al., (hereinafter "Berenson"). as applied to claims 1-4, 9-17 and 22-24 above, and further in view of Thai US Patent no. 5,666,528.

As to claims 5-8 and 18-21, Leung and Berenson disclose substantially the invention as claimed. In addition Berenson discloses the claimed "wherein the code includes one of IS NULL and IS NOT NULL functions" (col.10, lines 10-67). Neither Leung nor Berenson discloses the claimed "wherein the code include some of UPPER, LOWER, and INITCAP functions" and "wherein the code comprises TO_DATE function". On the other hand, Thai, discloses the claimed "wherein the code includes one of IS NULL and IS NOT NULL functions" as a filter out all the record that does not

Art Unit: 2172:

meet the search criteria (col.8, line 30-col.9, line 30); “wherein the code include some of UPPER, LOWER, and INITCAP functions”as a means for converting the text string to uppercase and lower case (col.9, lines 56-67) and “wherein the code comprises TO_DATE function” (col.9, lines 5-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because the filter conditions disclosed by Thai would allow Leung and Berenson combined’s system the enhanced capability of achieving better integration by making codes easier to write and read, thereby improving its versatility and functionality.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MEP. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Serial Number: 09/902,274:

Page 10

Art Unit: 2172:

Any inquiry concerning this communication or early communication from the Examiner should be directed to **Jean Corrielus** whose telephone number is (703) 306-3035. The Examiner can normally be reached on the weekdays from 7:00am to 5:30pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, **Kim Vu**, can be reached on (703)305-9343.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C. 20231

or faxed to:

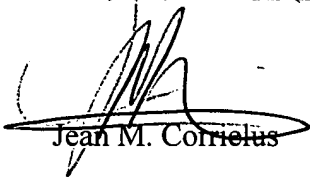
(703) 746-7239, (for formal communications intended for entry)

Or:

(703)746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to **Crystal Park II, 2021 Crystal Drive, Arlington,**

VA., Sixth Floor (Receptionist).



Jean M. Corrielus

Patent Examiner

January 5, 2004